

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 2/24/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIMONE DICKSON,	:	
	:	
Plaintiff,	:	1:22-cv-4033-GHW
	:	
-v -	:	<u>ORDER</u>
	:	
DEPARTMENT OF HOMELAND SECURITY	:	
OFFICER BARNES,	:	
	:	
Defendant.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

Plaintiff Simone Dickson proceeds *pro se* in this matter. On January 9, 2023, this Court issued a Notice of Initial Pretrial Conference ordering Ms. Dickson and counsel for the Defendant to appear for an initial pretrial conference on February 28, 2023. Dkt. No. 14 (the “Order”). Among other things, that Order requires the parties to discuss certain issues and provide a joint letter to the Court at least one week in advance of the initial pretrial conference. *Id.* A copy of the Notice of Initial Pretrial Conference was sent to the address provided by Ms. Dickson:

Simone Dickson
590 Third Street
#2
P.O. Box 177
Albany, NY 11969

See Jan. 11, 2023 Dkt. Entry. The Court subsequently adjourned the February 28, 2023 initial pretrial conference until April 18, 2023. Dkt. No. 19.

On February 3, 2023, the Court issued an order directing the parties to discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge, and to submit either an executed consent form or a joint letter no later than February 17, 2023. Dkt. No. 17.

On February 16, 2023, the Court received a notice of returned mail stating that the Notice of Initial Pretrial Conference sent to Ms. Dickson was returned for the following reasons: “RETURN TO SENDER, UNABLE TO FORWARD.” *See* Feb. 16, 2023 Dkt. Entry. On February 22, 2023, the Court received a notice of returned mail stating that the February 3, 2023 order was returned for the following reason: “Return To Sender Insufficient Address Unable To Forward.” *See* Feb. 22, 2023 Dkt. Entry.

On February 17, 2023, counsel for Defendant filed a letter with the Court indicating that they attempted to reach Plaintiff to discuss the Court’s February 3, 2023 order by certified mail on January 10, February 2, and February 15, 2023, at the address provided by Plaintiff. Dkt. No. 21. Defendant’s counsel’s letter states that Plaintiff has not responded to those mailings and that the January 10, 2023 mailing was returned by the U.S. Postal service with an “insufficient address” notation. *Id.* That letter also states that Plaintiff’s mailing address is the “only form of contact available” and that Plaintiff has not responded to requests for her telephone number or e-mail address. *Id.* Defendant asks the Court to direct Plaintiff to confirm her mailing address and provide alternative means of contact, including a telephone number and e-mail address, if available. *Id.* The Court will order Plaintiff to update her address and confirm her contact information. However, the Court notes that Plaintiff provided a telephone number and email address on the first page of her May 2, 2022 complaint. *See* Dkt. No. 1. Defendant does not contend that those means of contact have failed. The Court encourages Defendant’s counsel to reach out to Plaintiff using those methods, if they have not already done so.

Pro se litigants have an obligation to update the Court with changes to their contact information. This obligation was highlighted in bold typeface in the Instructions For Litigants Who Do Not Have Attorneys that was mailed to Plaintiff when her case was transferred to this Court. *See* Dkt. No. 10. That packet also includes instructions for updating an address and a “Notice of

Change of Address” form to be used by *pro se* parties like Ms. Dickson. *Id.* The obligation to maintain a current address on file with the Court was also highlighted in a document Plaintiff signed when she initiated this case in the United States District Court for the Northern District of New York. *See* Dkt. No. 3.


The Court reminds Ms. Dickson of her obligation to promptly inform the Court of any changes to her address and ORDERS that Ms. Dickson update her mailing address and confirm or provide a telephone number and e-mail address, if any, as soon as possible, but in no event later than March 15, 2023. Ms. Dickson may do so by completing and returning the Notice of Change of Address Form, a copy of which will be included with this order. Ms. Dickson is cautioned that failure to notify the Court of any change of address may result in dismissal of her lawsuit for failure to prosecute under Federal Rule of Civil Procedure 41(b).

The Court also reminds the parties of their obligation to confer about the subjects set forth in the January 9, 2023 Notice of Initial Pretrial Conference, *see* Dkt. No. 14, and about consenting to proceed before the assigned Magistrate Judge as required by the Court’s February 3, 2023 order, *see* Dkt. No. 17. To that end, IT IS FURTHER ORDERED that Defendant’s counsel attempt to contact Plaintiff at the telephone number and e-mail address on the first page of plaintiff’s complaint, Dkt. No. 1, and IT IS FURTHER ORDERED that the parties comply with the Court’s February 3, 2023 order forthwith, and in no event later than March 29, 2023.

The Clerk of Court is instructed to mail to Plaintiff (i) a copy of this order; (ii) the Instructions for Litigants Who Do Not Have Attorneys and the instructions and forms referenced in therein, including the Notice of Change of Address form, *see* Dkt. No. 10; (iii) the Court's January 9, 2023 Notice of Initial Pretrial Conference, Dkt. No. 14.; the Court's February 3, 2023 order, Dkt. No. 17; and the Court's February 11, 2023 order, Dkt. No. 19.

SO ORDERED.

Dated: February 24, 2023
New York, New York



GREGORY H. WOODS
United States District Judge